REPORT OF ROYAL COMMISSION

ON CHARGES PREFERRED AGAINST

CAPTAIN N. FITZSTUBBS.

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THE LAW COURTS,
VICTORIA, 29th Sept., 1894.

SIR,—I have the honour to enclose herewith my report on the matter submitted for my decision in the Royal Commission of the 4th September instant, for the consideration of His Honour the Lieutenant-Governor, to whose attention I ask leave to commend it.

And have the honour to remain,
Sir,
Your obedient, humble servant,
HENRY P. PELLEW CREASE,
Commissioner.

To the Honourable Colonel Baker,
Provincial Secretary of B. C.

NELSON, KOOTENAY, 10th September, 1894.

To His Honour the Lieutenant-Governor of British Columbia.

SIR,—In pursuance of the Royal Commission under the Great Seal, to me directed on the 4th day of December, 1894, to enquire into and report to the Lieutenant-Governor upon certain charges made by Mr. John Sanderson, foreman on the Government trail between Nakusp and Slocan, against Captain N. Fitzstubbs, of Nelson, Assistant Commissioner of Lands and Works, and Stipendiary Magistrate of British Columbia, and more particularly specified in such Commission, I have the honour to report as follows :—

The Commission was opened before me at the Court House, Nelson, on Saturday, the 8th September, 1894, in the presence of the parties to the complaint, who, together with the witnesses summoned on the occasion, were duly examined under oath in open Court upon all and singular the matters and things in such Commission contained.

The evidence of Captain N. Fitzstubbs was clear, open, and complete, leaving no part of his actions and motives in the premises unexplained.

The general evidence, however, occurring in the midst of a busy assize, was too lengthy to admit of a particular abstract for a report. A careful perusal of it, however, shews very clearly, as complainant frankly admitted, that the first charge was made entirely *en revanche* for the adverse official report upon the complainant's works, and consequent suggestion of liability for some of the excess in expenditure contained in the second. When that point was disposed of, the interest in pressing the first immediately weakened.

The investigation before me nevertheless continued, and was thorough and complete in every matter embraced in the Commission, to which I beg leave to refer.

From a consideration of the whole case I am of opinion and find that, while there was irregularity in the mode of charging the amount, the work it represented was honestly done and paid for on Government account and for Government work. There was consequently no culpability in the officer impugned, but an error of judgment, from which, in my opinion, he should be exonerated.

All of which is respectfully submitted by

Your obedient servant,

HENRY P. PELLEW CREASE,

Commissioner.

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